



Virginia Regulatory Town Hall Agency User Manual

Part 2: Virginia Regulatory Town Hall

Section 3: Regulatory actions

This section covers the following topics in the order listed:

- Issues to consider **before** you submit a regulatory action on the Town Hall
- Step-by-step instructions on how to amend an existing regulation(s) and/or promulgate a brand new regulation by submitting one of the following types of actions:
 - **Standard regulatory action**
 - NOIRA,
 - Proposed stage, and
 - Final stage
 - **Emergency regulatory action**
 - Emergency/NOIRA
 - Emergency (non-permanent regulation)
 - **Fast-track regulatory action**
 - **Exempt regulatory action**
 - Exempt action – proposed
 - Exempt action - final
- Issues to consider **after** you submit a regulatory action on the Town Hall

Before you start a regulatory action

- [What type of regulatory action do I file?](#)
 - [Other important considerations](#)
-

What type of regulatory action do I file?

Action Type	Description	Code of VA
Standard (NOIRA, proposed, final stages)	This action is appropriate when (1) it does not qualify as an exempt action, (2) the agency has no authority to promulgate an emergency regulation, and (3) the proposal may be controversial.	§ 2.2-4007 to 4017
Fast-track	For rulemaking expected to be noncontroversial. A rulemaking is deemed noncontroversial if no objections are received from (1) certain members of the General Assembly or (2) ten or more members of the public.	§ 2.2-4012.1
Emergency	There is an imminent threat to public health or safety and the regulation is not exempt OR the authorizing legislation requires that a regulation be effective in 280 days or less from enactment and the regulation is not exempt.	§ 2.2-4011
Exempt	Agency must implement regulatory action (no discretion is involved); the regulatory action involves minor changes, does not differ materially from federal law/regulations, relates to internal workings of the agency, or is otherwise listed as exempt.	§ 2.2-4002 and § 2.2-4006

Other important considerations

Determine whether your regulatory action involves:

- promulgating a brand new regulation, or
- promulgating a brand new regulation **and** repealing an existing regulation, * or
- promulgating a brand new regulation **and** amending an existing regulation(s), * or
- amending or repealing an existing regulation, or
- amending more than one existing regulation.*

*When your regulatory action will affect more than one regulation, please read [this](#) before you start a regulatory action.

If you are adding a stage to an existing regulatory action, you do not need to start a new action. Just go to the existing "Action Information" page, scroll down to the bottom, and add another

stage.

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How to submit a regulatory action involving two or more regulations

When your regulatory action will affect more than one regulation, you will need to decide which regulation is your primary chapter. This designation has no legal implications; it merely tells the Town Hall where to store and display information.

What is a primary chapter?

The primary chapter is the main focus of the regulatory action, e.g., it is a **new regulation** which will replace the existing regulation, or it is the regulation **driving the changes** in the other regulations. If there is no focus, you can choose which chapter will be your primary chapter.

What is a secondary chapter?

By default, any other regulation(s) affected by the action will be designated as secondary chapters.

In a nutshell, this is what you are going to do: start an action with the primary chapter, upload an agency background statement which details **all** proposed changes to the primary and secondary chapters, and link the secondary chapter(s) to the primary action. To do this, simply follow these step-by-step instructions:

Step 1: Start an action under the primary chapter.

To promulgate a brand new regulation, [click here](#). OR to start an action to amend an existing regulation(s), [click here](#).

Note: On the **Add Action** page, you will be asked the question, “Amend other chapters?” Be sure to say “yes.”

After you have started a regulatory action and added a stage, return to this page for further instructions.

Step 2: Now that you there is an action under the primary chapter, you will add the secondary chapters to this action. Begin by returning to the list of chapters by clicking on **Agency Boards**, then the name of the appropriate board, and then the link to the chapter that will be designated as secondary. As before, this will take you to the **Chapter Information** page.

Step 3: Click on the [Actions](#) link or scroll down the page to the Actions section of the page. Select “Secondary Action” from the drop-down box, and then click on the “Add Action” button. You will be presented with an abbreviated **Add Action** page.

Step 4: Enter the section(s) of the secondary chapter that will be affected by this action. Next, link this secondary chapter to the primary action by selecting the appropriate primary action from the drop-down box. Then click on “Add Action.”

Step 5: Repeat this process for each of the secondary chapters associated with the regulatory action.

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How to submit a regulatory action

- [Important caveat](#)
 - [How to submit a regulatory action involving the amendment of an existing regulation\(s\)](#)
 - [How to submit a regulatory action involving the promulgation of a brand new regulation](#)
-

Important caveat

Please be aware that the Registrar has her own requirements regarding the submission of regulatory documents, e.g., in addition to the documents that are sent electronically to the Registrar via the Town Hall, the Registrar currently requires that two printed copies of those documents be submitted to her office, as well. (Submit a third copy if you want a receipted copy to be returned to the agency.) See the [Registrar's website](#) for more details.

How to submit a regulatory action involving the amendment of an existing regulation(s)

Note: Will this regulatory action affect two or more regulations? If so, first review [this information](#) about choosing one regulation as the primary chapter, and the other regulation(s) as secondary chapters.

Step 1: Click on "Agency Boards" on the blue menu bar, and then click on the relevant board name. Click on the VAC citation of the regulation you wish to amend so that the **Chapter Information** page for that regulation is displayed.

Step 2: Click on the [Actions](#) link near the top of the page. You will see an "Add an Action" button and a menu like this:

Add an Action	Primary Action 
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Click on the gray "Add an Action" button.

Step 3: On the Add Action page, enter the following information:

- **Title of action:** Briefly (in 20 words or less) describe the regulatory action while providing specific, meaningful identifying information to the user, e.g., "New Regulation Governing Insect Collectors" "Fee Increase," and "Amendments to reflect Chapter 475 (2000 Acts of Assembly) regarding new technology." The title should describe what is going to change or what is new about the regulations. **Important:** Avoid describing the type of regulatory action, e.g., "Periodic Review," "Emergency Regulations" or being too general, e.g., "General Revisions," "Amendment/Revisions to [name of chapter]."
- **Promulgate, amend, or repeal:** Select the option that applies. Choose repeal if you will be repealing an entire regulation.
- **Summary of what this action does:** Provide a brief summary (from one to three sentences) of what is **new** or is **changing** in this regulatory action, e.g., "The purpose of the proposed action is to develop amendments which will conform the regulation to state law and federal Clean Air Act requirements for the testing of emissions from motor vehicles located or primarily operated in Northern Virginia."
- **Will action amend other chapters?** Unless you will also be amending other regulations in this regulatory action, the answer to this question will be "No."

- **Exempt action?** Select “Yes” only if this action or the chapter as a whole is exempt from the regulatory promulgation requirements found in the Code of Virginia [§ 2.2-4006](#). If yes, then put in applicable exempt citation, e.g., Code of Virginia [§ 2.2-4006\(A\)\(4\)\(a\)](#).
- **Section numbers:** Enter all the section numbers that will be added, amended, or removed by this action. You may use a “-” symbol to indicate a range, and/or separate sections with commas.
- **Contact:** Indicate whether you want the person listed to be the contact person for this regulation or whether you wish to create new or edited contact information.

Step 4: Click the “Add Action” button. You will then be taken to the **Add Stage** page. Using the drop down box, indicate which stage you wish to add.

Step 5: Click here for more information about adding a particular stage:

Emergency stage	NOIRA stage	Proposed stage	Final stage
Emergency/NOIRA	NOIRA	Proposed	Final
Emergency		Fast-track	Exempt Action-Final
		Exempt Action-Proposed	

How to submit a regulatory action involving the promulgation of a brand new regulation

Note: Will the promulgation of this brand new regulation affect another regulation(s), e.g., you will also be repealing an existing regulation? If so please review [this information](#) about choosing one regulation as the primary chapter, and the other regulation(s) as secondary chapters.

Step 1: On the agency functions dropdown list, click on the “Add Chapter” link.

Step 2: Enter information in each field, as appropriate:

- **Chapter name:** Briefly (in 10 words or less) describe who or what is being regulated, e.g., nurses, contractors, substitute teachers, driver education programs, hazardous waste. Since the VAC is the repository for regulations, it is often unnecessary to use the word “regulation” in naming a chapter. If you wish to do so, however, please use “regulation” in the singular to describe a single regulation.
- **Chapter number:** Enter only the chapter number (e.g., 20), not the entire VAC number for the regulation. You may wish to consult with the Registrar's office (786-3591) if you have any questions about the numbering of your new chapter.
- **Description:** Describe what the regulation does (in one to three sentences).
- **Exempt from APA?** If you have questions about whether the chapter is exempt from Administrative Act procedures, check [§ 2.2-4006](#) of the Code of Virginia or [click here](#) to read the section of this manual on exempt regulations.
- **Authority:** Provide a citation for the state legal authority and, if applicable, the federal authority for the regulation.
- **Contact:** Indicate whether you want the person listed to be the contact person for this regulation or whether you wish to create new or edited contact information.

Step 3: Select the “Add Chapter” button.

Step 4: Now that the regulation has been added to the Town Hall, you will automatically begin the process of adding a regulatory action to promulgate this new regulation by going to the **Add Action** page. Enter information in each field, as appropriate:

- **Title of action:** Briefly (in 20 words or less) describe the regulatory action while providing meaningful identifying information to the user, e.g., “Promulgate new regulation governing insect collectors.”
- **Promulgate, amend, or repeal:** Select “promulgate.”
- **Summary of what this action does:** Provide a brief summary (from one to three sentences) of what of what is **new** or is **changing** in this regulatory action, e.g., “The purpose of the proposed action is to develop amendments which will conform the regulation to state law and federal Clean Air Act requirements for the testing of emissions from motor vehicles located or primarily operated in Northern Virginia.”
- **Will action amend other chapters?** Unless you will also be amending other regulations in this regulatory action, the answer to this question will be “No.”
- **Exempt action?** Select “Yes” only if this action or the chapter as a whole is exempt from the regulatory promulgation requirements found in the [§ 2.2-4006](#) of the Code of Virginia. If yes, cite relevant section of the APA.
- **Section numbers:** Type in “10 et seq.” unless you know the number of sections the regulation will have.
- **Contact:** Indicate whether you want the person listed to be the contact person for this regulation or whether you wish to create new or edited contact information.

Step 5: Select the “Add Action” button.

Step 6: You will now be asked to choose the stage you wish to enter for this action. On the **Add Stage** screen, enter the appropriate information needed for the type of stage selected. Use the “drop-down” box to select the type of stage. Click on the “Add New Stage” button. Depending on which stage type you choose, you will go to the screen for entering the data needed for submitting that stage. Click [here](#) for information about adding a particular stage:

Emergency stage	NOIRA stage	Proposed stage	Final stage
Emergency	NOIRA	Exempt Action-Proposed	Exempt Action-Final
Emergency/NOIRA			

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Standard regulatory action

A standard regulatory action has three stages:

(1) **Notice of intended regulatory action (NOIRA)** when the agency/board announces the nature and scope of any changes to the regulation that it intends to make,

(2) **Proposed stage**, a proposal that is as close to a final regulation as possible, e.g., the proposal has been vetted through any/all technical advisory committees and the agency/board has made judgments on all expected changes to the regulation, and

(3) **Final stage**.

See a [flowchart of a standard regulatory action in Virginia](#)

To get started, click [here](#) to set up a regulatory action on the Town Hall and submit a NOIRA for executive branch review.

Jump down to

NOIRA

- [How to submit a NOIRA stage for executive branch review](#)
- [How to submit a NOIRA stage to the Registrar for publication](#)

Proposed

- [How to submit a proposed stage for executive branch review](#)
- [How to submit a proposed stage to the Registrar for publication](#)

Final

- [How to submit a final stage for executive branch review](#)
- [How to submit a final stage to the Registrar for publication](#)

How to submit a NOIRA stage for executive branch review

You have started an action and are now ready to add the NOIRA stage. (If you haven't started an action, [click here](#) to do so.)

Step 1: Enter the appropriate information on the NOIRA Stage page:

- **Agency background statement:** Upload a completed "NOIRA Agency Background Statement" from your computer. [Click here](#) for uploading instructions. If this form has not yet been completed, you may [click here](#) for the form, and [here](#) for instructions on how to save this form to your computer.
- **Forms required by regulation (if applicable):** If there are any forms required by the regulation and they are available, upload them in one file from your computer.
- **Public hearing:** Indicate whether the agency plans to hold a public hearing for this regulation during the public comment period following the **Proposed Stage** of this regulatory action.
- **Preliminary draft of regulation:** If a preliminary draft of the regulation is available, upload it here.

Step 2: Select the "Add NOIRA Stage" button to submit your information. After a brief period, the web site will return to the **Stage Information** page that will contain the information that you just

uploaded, plus links to PDF versions of the uploaded files.

Step 3: Click on the Submit to [DPB link](#) to begin the executive branch review process. Add any special e-mail message you would like to send to DPB. This message will not appear on the Town Hall.

Step 4: After you have received executive branch approval (from DPB, Secretary, and Governor), you may submit the stage to the Registrar.

You will receive e-mail notifications as executive branch reviewers take action on your regulatory action. This NOIRA stage will **not** be visible to public users of the Town Hall until it has been submitted to the Registrar.

How to submit a NOIRA stage to the Registrar for publication

You must receive executive branch approval before you are able to submit the NOIRA to the Registrar.

Step 1: Click on “Current Actions” on the blue menu bar. Click on the NOIRA stage that you wish to submit to the Registrar. This will take you to the **Stage Information** page.

Step 2: Now click on the [Edit Stage](#) link near the top of the page. Enter the appropriate information on the **Edit Stage** page:

- **Comment begin date:** This is the date that the NOIRA will be published in the Register. The material must be submitted by a certain date at noon in order to be published in the next issue of the Register. Use the following date format: MM/DD/YYYY.
- **Comment end date:** This is usually 30 days from the beginning of the comment period, though you can make this time frame longer. Use the following date format: MM/DD/YYYY. Then press “Save Changes.” This will return you to the **Stage Information** page.

Step 3: Now click on the red [Submit to Registrar](#) link near the top of the page. Enter the date, volume, and issue of the *Register* in which the NOIRA will be published.

Step 4: Indicate whether you would like to open a Town Hall public comment forum during the public comment period. [Click here](#) for more information about public comment forums.

Step 5: Select the OK button. Your action and stage have now been submitted.

This stage will become visible to all users of the Town Hall 10 days before it is published in the Register. (The reason that the stage is not immediately visible to public users on the Town Hall is that the Register may make additional changes to your submission. A delay allows time for the Registrar's office to review your submission, to make edits, and, if necessary, for revised documents to be uploaded on the Town Hall before it is made available to the public.)

For your records, you should keep a copy of the transmittal sheet sent to the Registrar along with your submission. A link to a copy of the transmittal sheet is located near the top of the **Stage Information** page.

Note: The Registrar's office has now received your complete regulatory package (including forms) electronically, however, as of this time (September 2003), the Registrar's office still requires that two hard copies be submitted. Please call the Registrar's office at 786-3591 if you have any questions about this requirement.

Looking ahead: Executive Order 21 (2002) requires the proposed stage to be submitted within 180 days (6 months) of the end of the NOIRA public comment period. **A proposed stage is a regulation that is as close to a final regulation as possible, e.g., the proposal has been vetted through any/all technical advisory committees and the agency/board has made judgments on all expected changes to the regulation.**

How to submit a proposed stage for executive branch review

Step 1: Enter the appropriate information on the **Add Proposed Stage** page:

- **Agency background statement:** Upload a completed “Proposed Agency Background Statement” from your computer. [Click here](#) for uploading instructions. If this form has not yet been completed, you may [click here](#) for the form, and [here](#) instructions on how to save this form to your computer.
- **Forms required by regulation (if applicable):** If there are any forms required by the regulation and they are available, upload them in one file from your computer.
- **Proposed text:** Upload the text of the regulation.
- **Comment begin date:** Leave blank for now. You will complete this field after executive branch review.
- **Comment end date:** Leave blank for now. You will complete this field after executive branch review.
- **Identical to emergency regulation?** If there was an emergency stage, indicate whether the proposed text is identical to the emergency text.
- **Incorporation by reference?** Are you incorporating by reference any non-agency materials into the regulation?
- **Agency EIA response:** Leave blank for now. You will complete after DPB uploads its EIA onto the Town Hall.

Step 2: Select the “Add Proposed Stage” button to submit your information. After a brief period, the web site will return to the **Stage Information** page that will contain the information that you just uploaded plus links to PDF versions of the uploaded files.

Step 3: Once you are ready to submit the proposed stage for executive branch review, click on the red [Submit to AG link](#) to initiate the review process. Add any special e-mail message you would like to send to the OAG. This message will not appear on the Town Hall. Click on the “Submit” button. Your proposed stage has now been submitted for executive branch review. Once the OAG has submitted its letter of assurance onto the Town Hall, your regulatory coordinator will receive email notification of this fact.

Step 4: Once the OAG has submitted its letter of assurance and you have made any final edits to your agency background statement, click on the red [Submit to DPB](#) link to submit your regulatory package to DPB. Add any special e-mail message you would like to send to DPB. This message will not appear on the Town Hall. Click on the “Submit” button. Your proposed stage has now been submitted to DPB.

Step 5: After executive branch approval (from DPB, Secretary, and Governor), you may submit the stage to the Registrar

You will receive e-mail notifications as executive branch reviewers take action on your regulatory action. This proposed stage will not be visible to public users of the Town Hall until it has been submitted to the Registrar.

How to submit a proposed stage to the Registrar for publication

You must receive executive branch approval before you can submit the proposed stage to the Registrar.

Step 1: Click on “Current Actions” on the blue menu bar. Click on the Proposed stage that you wish to submit to the Registrar. This takes you to the **Stage Information** page.

Step 2: Now click on the *Edit Stage* link near the top of the page. Enter the appropriate information on the **Edit Stage** page:

- **Comment begin date:** This is the date that the proposed stage will be published in the *Register*. (Note the material must be submitted by a certain date at noon in order to be

published in the next issue of the *Register*.) Use the following date format: MM/DD/YYYY.

- **Comment end date:** This is usually 60 days from the comment begin date though you can make this period longer. Use the following date format: MM/DD/YYYY. Then press “Save Changes.” This will return you to the **Stage Information** page.
- **Agency EIA response:** Upload your agency’s response to DPB’s economic impact analysis of the proposed regulation. Here are some possible responses: “The agency/board concurs with the EIA,” or “The agency/board concurs with the EIA, however, wishes to express the following reservations:...”

Click on the “Save Changes” button, which takes you back to the **Stage Information** page.

Step 3: Now click on the [Submit to Registrar](#) link near the top of the page. Enter the date, volume, and issue of the *Register* in which the proposed stage will be published.

Step 4: Indicate whether you would like to open a Town Hall public comment forum during the public comment period. [Click here](#) for more information about public comment forums.

Step 5: Select the OK button. Your action and stage have now been submitted.

This stage will become visible to all users of the Town Hall 10 days before it is published in the Register. (The reason that the stage is not immediately visible to public users on the Town Hall is that the Register may make additional changes to your submission. A delay allows time for the Registrar’s office to review your submission, to make edits, and, if necessary, for revised documents to be uploaded on the Town Hall before it is made available to the public.)

For your records, you should keep a copy of the transmittal sheet sent to the Registrar along with your submission. A link to a copy of the transmittal sheet is located near the top of the **Stage Information** page.

Note: The Registrar’s office has now received your complete regulatory package (including forms) electronically, however, as of this time (September 2003), the Registrar’s office still requires that two hard copies be submitted. Please call the Registrar’s office at 786-3591 if you have any questions about this requirement.

Reminder: If you are holding a public hearing on the Proposed Stage, enter this information on the Town Hall Calendar. [Click here](#) for instructions on how to submit information about public hearings and meetings on the Town Hall.

Looking ahead: Executive Order 21 (2002) requires the final stage to be submitted within 150 days (5 months) of the end of the proposed stage public comment period.

How to submit a final stage for executive branch review

Note: Give careful consideration before filing a final stage that differs substantially from the proposed stage. If this is the case, the Governor or 25 members of the public may request the holding of an additional public comment period ([§ 2.2-4007 \(J\)](#) and [§ 2.2-4013](#) of the Code). If you have made substantial changes to the regulation, you may wish to repeat the proposed stage. To repeat the proposed stage, retract the previous proposed stage from the Town Hall and submit a new proposed stage.

Step 1: Enter the appropriate information on the **Final Stage** page:

- **Agency background statement:** Upload a completed “Final Agency Background Statement” from your computer. [Click here](#) for uploading instructions. If this form has not yet been completed, you may [click here](#) for the form, and [here](#) for instructions on how to save this form to your computer.
- **Forms?** Attach any forms required as part of the regulation.
- **Changes in text?** Indicate whether there were any changes to the proposed text between the Proposed stage and the Final stage

- **Charge for copies?** Please enter the price you will charge per sheet of paper copies of any regulatory documents.
- **Comment received?** Indicate whether any comments were received during the public comment period following the publication of the proposed stage.
- **Submit to AG?** If there have been any substantive changes made since the publication of the proposed stage, the Registrar requires an OAG letter of assurance for the final stage. To submit the final stage to the OAG, click “yes” here.
- **Text of regulation:** Upload the final proposed text of the regulation.
- **Effective date:** Leave blank for now.

Click on “Add Final Stage” button to submit this information. After a brief period, the web site will return to the **Stage Information** page that will contain the information that you just uploaded plus links to PDF versions of the uploaded files.

Step 2: If you indicated that the final stage is to receive review by the OAG, click on the red [Submit to AG link](#) to initiate the review process. Add any special e-mail message you would like to send to the OAG. This message will not appear on the Town Hall. Click on the “Submit” button. Your proposed stage has now been submitted for executive branch review. Once the OAG has uploaded its letter of assurance onto the Town Hall, your regulatory coordinator will receive email notification of this fact. Once the OAG has submitted its letter of assurance, make any final edits to your agency background statement.

Step 3: Click on the red [Submit to DPB](#) link to submit your regulatory package to DPB. Add any special e-mail message you would like to send to DPB. This message will not appear on the Town Hall. Click on the “Submit” button. Your proposed stage has now been submitted to DPB.

Step 4: After you have received executive branch approval (from DPB, Secretary, and Governor), you may submit the stage to the Registrar.

You will receive e-mail notifications as executive branch reviewers take action on your regulatory action. This final stage will not be visible to public users of the Town Hall until it has been submitted to the Registrar.

How to submit a final stage to the Registrar for publication

You must receive executive branch approval before you are able to submit the final stage to the Registrar.

Step 1: Click on “Current Actions” on the blue menu bar. Click on the final stage that you wish to submit to the Registrar. This will take you to the **Stage Information** page.

Step 2: Now click on the [Edit Stage](#) link near the top of the page. Enter the appropriate information on the **Edit Stage** page:

- **Effective date:** Enter the date that the regulatory action will become effective. This is usually 31 days after the date the final regulation is published in the Register. The material must be submitted by a date certain at noon in order to be published in the next issue of the Register. Use the following date format: MM/DD/YYYY.

In determining when you wish your regulatory action to become effective, consider the following issues: Will special training of agency staff or the regulated community before this regulation can be implemented? How long will it take for agency staff to load all the appropriate forms onto their computers and make any other changes to internal operations? How long will it take to educate the regulated community about the regulatory change?

- **Comment begin date:** This is the date that the final stage will be published in the Register. The material must be submitted by a certain date at noon in order to be published in the next issue of the Register. Use the following date format: MM/DD/YYYY.

- **Comment end date:** This is usually 30 days from the beginning of the comment period, though you can make this time frame longer. Use the following date format: MM/DD/YYYY. Then press "Save Changes." This will return you to the **Stage Information** page.

Step 3: Now click on the red [Submit to Registrar](#) link near the top of the page. Enter the date, volume, and issue of the *Register* in which the final stage will be published.

Step 4: Indicate whether you would like to open a Town Hall public comment forum during the public comment period. [Click here](#) for more information about public comment forums.

Step 5: Select the OK button. Your action and stage have now been submitted.

This stage will become visible to all users of the Town Hall 10 days before it is published in the *Register*. (The reason that the stage is not immediately visible to public users on the Town Hall is that the Register may make additional changes to your submission. A delay allows time for the Registrar's office to review your submission, to make edits, and, if necessary, for you to upload revised documents on the Town Hall before it is made available to the public.)

For your records, you should keep a copy of the transmittal sheet sent to the Registrar along with your submission. A link to a copy of the transmittal sheet is located near the top of the **Stage Information** page.

Note: The Registrar's office has now received your complete regulatory package (including forms) electronically, however, as of this time (September 2003), the Registrar's office still requires that two hard copies be submitted. Please call the Registrar's office at 786-3591 if you have any questions about this requirement.

Your regulation will become effective 30 days after publication in the *Register* or at a later date as specified by you **unless** the action is suspended by the Governor, the General Assembly, or by a request from 25 or more persons, pursuant to §§ [2.2-4013 \(D\)](#), [2.2-4014\(B\)](#), and [2.2-4007 \(J\)](#) of the Code of Virginia.

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Emergency regulatory action

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- [Are you going to replace the emergency regulation with a permanent regulation?](#)
- [Flow chart of regulatory process for emergency regulation](#)
- [How to submit an **emergency regulation/NOIRA** for executive branch review](#)
- [How to submit an **emergency regulation/NOIRA** to the Registrar](#)
- [How to submit an emergency regulation **\(that will not become permanent\)** for review](#)
- [How to submit an emergency regulation **\(that will not become permanent\)** to the Registrar](#)

Authority and scope of an emergency regulatory action

Authority: In order to promulgate an emergency regulation under [§ 2.2-4011](#) of the Code of Virginia, there must be (1) an “emergency situation” meaning there is an imminent threat to public health or safety and the regulation is not exempt, **OR** (2) legislation requiring that a regulation be effective in 280 days or less from its enactment, AND the regulation is not exempt per [§ 2.2-4006](#) of the Code of Virginia.

Scope: In an emergency regulatory action, an agency or board is limited to making amendments for which it has emergency authority. For example, a board may have a regulation for which emergency amendments are required but the board also wants to make clarifying changes to other parts of the regulation. Can this be done? Not in the emergency regulation. However, such changes can be made during the promulgation of the permanent regulation (that will replace the emergency regulation), or in another regulatory action.

Are you going to replace the emergency regulation with a permanent regulation?

In this case, be sure to file the Emergency/NOIRA stage. By filing this stage, you will maximize the chance that the permanent replacement regulation will be effective by the time the emergency regulation expires (approximately one year later).

How to submit an emergency regulation/NOIRA on the Town Hall

If you have not already done so, [click here](#) to start a regulatory action to promulgate an emergency regulation. You will then be prompted to return to this page.

Step 1: Select Emergency stage from the drop down list.

Step 2: Enter the appropriate information on the Emergency Stage page:

- **Agency background statement:** Upload a completed Emergency Regulation/NOIRA Agency Background Statement from your computer. [Click here](#) for uploading instructions. If this form has not yet been completed, you may [click here](#) for the form, and here for instructions on how to save this form to your computer.
- **Forms:** Upload forms that are required by the regulation, if applicable. All applicable forms should be included in one Word or WordPerfect document.
- **Text:** Upload the proposed text of all changes to the regulation(s).
- **Effective date:** Leave blank for now. This field and the next one will be filled in just prior to submitting the stage for publication in the *Register*.

Expiration date: Leave blank for now.

-
- **Make permanent?** Indicate, “yes.”
- **Emergency authority:** Enter the citation(s) from the Code as well as Chapter/Bill number for the legislative action that authorizes this emergency regulation.
- **Emergency/NOIRA stage:** Click the box to indicate that this is an emergency/NOIRA stage and indicate whether you intend to hold a public hearing after the publication of the proposed stage (not the NOIRA stage).

Step 3: Select the “Add Stage” button to submit your information. After a moment, you will be returned to the **Stage Information** page that will reflect the data you just entered.

Step 4: Once you are ready to submit the emergency stage for executive branch review, click on the red [Submit to AG](#) link to initiate the review process. Add any special e-mail message you would like to send to the OAG. This message will not appear on the Town Hall. Click on the “Submit” button. Your emergency stage has now been submitted for executive branch review. Once the OAG has submitted its letter of assurance onto the Town Hall, your regulatory coordinator will receive email notification of this fact.

Step 5: Once the OAG has submitted its letter of assurance and you have made any final edits to your agency background statement and/or proposed text of your regulation, click on the red [Submit to DPB](#) link to submit your regulatory package to DPB. Add any special e-mail message you would like to send to DPB. This message will not appear on the Town Hall. Click on the “Submit” button. Your emergency stage has now been submitted to DPB.

Step 6: After DPB, the Secretary, and the Governor’s office have reviewed the regulatory package, proceed with submitting the regulation to the Registrar.

Your regulatory coordinator will receive e-mail notifications as executive branch reviewers take action on your regulatory action.

A stages is **not** visible to Town Hall public users on the website until it has been submitted to the Registrar’s office and it will be published in the Virginia Register in 10 days or less.

How to submit an emergency regulation/NOIRA to the Registrar

Step 1: Go to “Current Actions” on the blue menu bar, then click on the link to the [Emergency/NOIRA stage](#). This takes you to the **Stage Information** page for the regulatory action.

Step 2: Click on the “Edit Stage” button near the top of the page and enter the following information:

- **Effective date:** An emergency regulation becomes effective on a date the agency determines, which can be as early as the date the action is submitted to the Registrar.
- **Expiration date:** The expiration date will be one year after the effective date.

Select the “Save Changes” button to submit your information to the Town Hall.

Step 3: You may wish to review the transmittal form that will be sent to the Registrar along with your submission. A link to a copy of the transmittal sheet is located near the top of the **Stage Information** page.

Step 4: Click on the [Submit to Registrar](#) link near the top of the page. Enter the date, volume, and issue of the *Register* in which the emergency regulation will be published. (This information is required to submit another stage for this regulation.)

Step 5: Select the OK button. Your emergency stage/NOIRA has been submitted to the Registrar.

It is recommended that you keep a copy of the transmittal sheet for your records.

This stage will become visible to all users of the Town Hall 10 days before it is published in the Register. (The reason that the stage is not immediately visible to public users on the Town Hall is that the Register may make additional changes to your submission. A delay allows time for the Registrar's office to review your submission, to make edits, and, if necessary, for revised documents to be uploaded on the Town Hall before it is made available to the public.)

How to submit an emergency regulation (that will not become permanent) on the Town Hall

If you have not already done so, [click here](#) to start a regulatory action to promulgate an emergency regulation. You will then be prompted to return to this page.

Step 1: Enter the appropriate information on the Emergency Stage page:

- **Agency background statement:** Upload a completed Emergency Regulation/NOIRA Agency Background Statement from your computer. [Click here](#) for uploading instructions. If this form has not yet been completed, you may [click here](#) for the form, and here for instructions on how to save this form to your computer.
- **Forms:** Upload forms that are required by the regulation, if applicable. All applicable forms should be included in one Word or WordPerfect document.
- **Text:** Upload the proposed text of all changes to the regulation(s).
- **Effective date:** Leave blank for now. This field and the next one will be filled in just prior to submitting the stage for publication in the *Register*.
- **Expiration date:** Leave blank for now.
- **Make permanent?** Indicate, "no."
- **Emergency authority:** Enter the citation(s) from the Code as well as Chapter/Bill number for the legislative action that authorizes this emergency regulation.
- **Emergency/NOIRA stage:** Ignore this section.

Step 2: Select the "Add Stage" button to submit your information. After a moment, you will be returned to the **Stage Information** page that will reflect the data you just entered.

Step 3: Once you are ready to submit the emergency stage for executive branch review, click on the red [Submit to AG](#) link to initiate the review process. Add any special e-mail message you would like to send to the OAG. This message will not appear on the Town Hall. Click on the "Submit" button. Your emergency stage has now been submitted for executive branch review. Once the OAG has submitted its letter of assurance onto the Town Hall, your regulatory coordinator will receive email notification of this fact.

Step 4: Once the OAG has submitted its letter of assurance and you have made any final edits to your agency background statement and/or the proposed text of your regulation, click on the red [Submit to DPB](#) link to submit your regulatory package to DPB. Add any special e-mail message you would like to send to DPB. This message will not appear on the Town Hall. Click on the "Submit" button. Your emergency stage has now been submitted to DPB.

Step 5: After DPB, the Secretary, and the Governor's office have reviewed the regulatory package, proceed with submitting the regulation to the Registrar.

Your regulatory coordinator will receive e-mail notifications as executive branch reviewers take action on your regulatory action.

A stage is **not** visible to Town Hall public users on the website until it has been submitted to the Registrar's office and it will be published in the Virginia Register in 10 days or less.

How to submit an emergency regulation (that will not become permanent) to the Registrar

Step 1: Go to “Current Actions” on the blue menu bar, then click on the link to the Emergency stage. This takes you to the **Stage Information** page for the regulatory action.

Step 2: Click on the “Edit Stage” button near the top of the page and enter the following information:

- **Effective date:** An emergency regulation becomes effective on a date the agency determines, which can be as early as the date the action is submitted to the Registrar.
- **Expiration date:** The expiration date will be one year after the effective date.

Step 3: You may wish to review the transmittal form that will be sent to the Registrar along with your submission. A link to a copy of the transmittal sheet is located near the top of the **Stage Information** page.

Step 4: Click on the Submit to Registrar link near the top of the page. Enter the date, volume, and issue of the Register in which the emergency regulation will be published. (This information is required to submit another stage for this regulation.)

Step 5: Select the OK button. Your emergency stage has been submitted to the Registrar.

It is recommended that you keep a copy of the transmittal sheet for your records.

This stage will become visible to all users of the Town Hall 10 days before it is published in the Register. (The reason that the stage is not immediately visible to public users on the Town Hall is that the Register may make additional changes to your submission. A delay allows time for the Registrar's office to review your submission, to make edits, and, if necessary, for revised documents to be uploaded on the Town Hall before it is made available to the public.)

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Fast-track rulemaking process

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- [What is fast-track rulemaking?](#)
- [Flow chart of fast-track regulatory process](#)
- [How to submit a fast-track stage for executive branch review](#)
- [How to submit a fast-track stage to the Registrar for publication](#)
- [How to indicate that a fast-track action has been objected to](#)

What is fast-track rulemaking?

The fast-track rulemaking process is for rules that are expected to be noncontroversial. Whether a rule is noncontroversial is determined by the process as follows:

After review by the Governor, a notice of a proposed fast-track rulemaking will be published in the Virginia Register and will appear on the Virginia Regulatory Town Hall. This will be followed by a public comment period of at least 60 days.

During the public comment period, the fast-track action must be stopped immediately if objections are received from the following:

- Any member of the applicable standing committee of Senate, or
- Any member of the applicable standing committee of the House of Delegates, or
- Any member of the Joint Commission on Administrative Rules (JCAR), or
- From 10 or more members of the public.

The agency will not have to start over from the beginning, however, as the initial publication of the fast-track regulation will serve as the NOIRA.

If there are no objections as described above, the regulation will become effective 15 days after the close of the public comment period, unless the regulation is withdrawn or a later effective date is specified by the agency.

For additional information, please refer to [§ 2.2-4012.1](#) of the Code of Virginia.

How to submit a fast-track stage for executive branch review

You have started an action and are now ready to add the fast-track stage. (If you haven't started an action, [click here](#) to do so.)

Step 1: Enter the appropriate information on the Add Proposed Stage page:

- **Agency background statement:** Upload a completed "Fast-track Agency Background Statement" from your computer. [Click here](#) for uploading instructions. If this form has not yet been completed, you may [click here](#) for the form, and [here](#) for instructions on how to save this form to your computer.
- **Forms required by regulation (if applicable):** If there are any forms required by the regulation and they are available, upload them in one file from your computer.
- **Is the proposed text identical to the emergency text?:** If this regulatory action will not replace an emergency regulation, skip over this section. If this is a regulatory action to replace an emergency regulation, please indicate whether or not the proposed text you are

about to upload is identical to the emergency regulation.

- **Proposed text:** Upload the text of the regulation
- **Effective date:** Leave blank for now. You will complete this field after executive branch review.
- **Any items incorporated by reference?**
- **Comment begin date:** Leave blank for now. You will complete this field after executive branch review.
- **Comment end date:** Leave blank for now. You will complete this field after executive branch review.
- **Agency EIA response:** Leave blank for now. You will complete after DPB uploads its EIA onto the Town Hall.

Step 2: Select the “Add Proposed Stage” button to submit your information. After a brief period, the web site will return to the **Stage Information** page that will contain the information that you just uploaded plus links to PDF versions of the uploaded files.

Step 3: Once you are ready to submit the fast-track stage for executive branch review, click on the red [Submit to AG](#) link to initiate the review process. Add any special e-mail message you would like to send to the OAG. This message will not appear on the Town Hall. Click on the “Submit” button. Your fast-track stage has now been submitted for executive branch review. Once the OAG has submitted its letter of assurance onto the Town Hall, the agency regulatory coordinator will receive email notification.

Step 4: Once the OAG has submitted its letter of assurance and you have made any final edits to your agency background statement and/or proposed text of your regulation, click on the red [Submit to DPB](#) link to submit your regulatory package to DPB. Add any special e-mail message you would like to send to DPB. This message will not appear on the Town Hall. Click on the “Submit” button. Your fast-track stage has now been submitted to DPB.

Step 5: After executive branch approval (from DPB, Secretary, and Governor), you may submit the stage to the Registrar.

You will receive e-mail notifications as executive branch reviewers take action on your regulatory action. This proposed stage will not be visible to public users of the Town Hall until it has been submitted to the Registrar.

Note: In preparation for submitting your fast-track regulation to the Registrar, send an email to the individuals listed below with the following information: (1) a copy of the regulation attached, and (2) your agency’s preference for which House committee and Senate committee will receive notification of this regulatory action ([click here](#) for a list of committees):

- House of Delegates (698-1619):
Hon. Bruce F. Jamerson, Clerk (bjamerson@house.state.va.us)
cc: Scott Maddrea (smaddrea@house.state.va.us)
- Senate (698-7400):
Hon. Susan C. Schaar, Clerk (sschaar@sov.state.va.us)
cc: John Garrett (jgarrett@sov.state.va.us)

The clerks or their designees will respond to the agency by either agreeing with the agency's selection or by requesting the agency to notify a different committee.

How to submit a fast-track stage to the Registrar for publication

You must receive executive branch approval before you can submit the fast-track stage to the

Registrar. In addition, be sure that you've consulted with the following individuals about the House committee and Senate committee that will receive notification of this regulatory action ([click here](#) for a list of committees):

- House of Delegates (698-1619):
Hon. Bruce F. Jamerson, Clerk (bjamerson@house.state.va.us)
cc: Scott Maddrea (smaddrea@house.state.va.us)
- Senate (698-7400):
Hon. Susan C. Schaar, Clerk (sschaar@sov.state.va.us)
cc: John Garrett (jgarrett@sov.state.va.us)

Step 1: Click on "Current Actions" on the blue menu bar. Click on the Fast-track stage that you wish to submit to the Registrar. This takes you to the **Stage Information page**.

Step 2: Now click on the Edit Stage link near the top of the page. Enter the appropriate information on the **Edit Stage** page:

- **Comment begin date:** This is the date that the fast-track stage will be published in the Register. (Note the material must be submitted by a certain date at noon in order to be published in the next issue of the Register.) Use the following date format: MM/DD/YYYY.
- **Comment end date:** This is usually 60 days from the comment begin date though you can make this period longer. Use the following date format: MM/DD/YYYY. Then press "Save Changes." This will return you to the Stage Information page.
- **Effective date:** This is 15 days after the end of the public comment period.
- **Agency EIA response:** Upload your agency's response to DPB's economic impact analysis of the proposed regulation. Here are some possible responses: "The agency/board concurs with the EIA," or "The agency/board concurs with the EIA, however, wishes to express the following reservations:..."

Click on the "Save Changes" button, which takes you back to the Stage Information page.

Step 3: Now click on the [Submit to Registrar](#) link near the top of the page. Enter the date, volume, and issue of the Register in which the fast-track stage will be published.

Step 4: Indicate whether you would like to open a Town Hall public comment forum during the public comment period. [Click here](#) for more information about public comment forums.

Step 5: Select the appropriate House and Senate committees for notification of this regulatory action.

Step 6: Make sure the contact information listed is correct. This information will accompany the emails sent to the General Assembly.

Step 7: Select the "Submit" button. Your action and stage have now been submitted.

This stage will now be visible to all users of the Town Hall. For your records, you should keep a copy of the transmittal sheet sent to the Registrar along with your submission. A link to a copy of the transmittal sheet is located near the top of the Stage Information page.

Note: The Registrar's office has now received your complete regulatory package (including forms) electronically, however, as of this time (September 2003), the Registrar's office still requires that a hard copy be submitted. Please call the Registrar's office at 786-3591 if you have any questions about this requirement.

How to indicate that a fast-track action has been objected to

During the public comment period, the fast-track action must be stopped immediately if objections are received from the following:

- Any member of the applicable standing committee of Senate, or
- Any member of the applicable standing committee of the House of Delegates, or
- Any member of the Joint Commission on Administrative Rules (JCAR), or
- From 10 or more members of the public.

In order to indicate that a fast-track action has been objected to on the Town Hall, take the following steps:

Step 1: Click on “Current Actions” on the blue menu bar.

Step 2: Click on the final stage of the regulatory action that has been objected to.

Step 3: Click on the Edit Stage link.

Step 4: Scroll down the page until you see “Objected to.” Check the box and, in the space provided, note the reason why the Fast-track action has been objected to.

Step 5: Click on the “Save Changes” button at the bottom of the page. You’re done.

Note: Pursuant to Code [§ 2.2-4012.1](#), if the fast-track action is objected to, then the agency can skip the Notice of Intended Regulatory Action (NOIRA) stage and, instead, file the proposed stage.

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Exempt regulatory action

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- [Which type of exempt action regulatory action do I submit on the Town Hall?](#)
- [How to submit an exempt action-final regulatory package](#)
- [How to submit an exempt action-proposed regulatory package](#)

When is an exempt regulatory action appropriate?

If your action is exempt pursuant to [§ 2.2-4002](#) or [§ 2.2-4006](#) of the Code of Virginia, it is usually appropriate to file an exempt regulatory action. These types of regulatory actions include:

- Regulations that establish or prescribe agency organization, internal practice, or procedures, including delegations of authority.
- Regulations that consist only of changes in style or form or corrections of technical errors.
- Minor changes to regulations published in the Virginia Administrative Code under the Virginia Register Act.
- Regulations that are: (1) necessary to conform to changes in Virginia statutory law or the appropriation act where **no** agency discretion is involved, (2) required by order of any state or federal court of competent jurisdiction where **no** agency discretion is involved; OR (3) necessary to meet the requirements of federal law or regulations, provided such regulations **do not differ materially** from those required by federal law or regulation, and the Registrar has so determined in writing.

In addition, if your agency is exempt pursuant to § 2.2-4002(A) of the Code of Virginia, it is appropriate to file an exempt regulatory action for those subject areas that fall under the exemption. Exempt agencies include:

- The General Assembly
- The Courts
- Department of Game and Inland Fisheries in promulgating certain regulations
- The Virginia Housing Development Authority
- Municipal corporations, counties, and all local, regional or multi-jurisdictional authorities
- Certain regulations of educational institutions operated by the Commonwealth
- The Milk Commission in promulgating certain regulations
- The Virginia Resources Authority
- Agencies expressly exempted by any other provision of the Code of Virginia
- The Virginia Voluntary Formulary Board in its work on the formulary
- The Department of General Services in promulgating certain regulations
- The State Council of Higher Education for Virginia in regarding to certain guidelines

- The Commissioner of Agriculture and Consumer Services in adopting certain regulations
- The Board of Optometry in promulgating certain regulations
- The Virginia War Memorial Foundation
- Some actions of The Virginia Medicaid Prior Authorization Advisory
- The State Board of Education in regard to certain guidelines
- The Virginia Racing Commission in promulgating certain regulations
- The Virginia Small Business Financing Authority
- The Virginia Economic Development Partnership Authority
- The Insurance Continuing Education Board
- The Board of Health in promulgating certain regulations

Which type of regulatory action do I submit on the Town Hall?

There are two types of exempt regulatory actions that you can file on the Town Hall: (1) an “Exempt Action–Proposed” regulatory action or (2) an “Exempt Action–Final” regulatory action. Whether you submit an “Exempt Action–Proposed” package or an “Exempt Action–Final” package is determined by the Administrative Process Act or your agency’s basic authorizing statute.

How to submit an exempt action-final regulatory package

Step 1: If you haven’t already done so, start a regulatory action on the Town Hall by [clicking here](#). **Note:** You will be asked, “Exempt action?” **Be sure to say yes.**

Step 2: Enter the appropriate information on the **Final Stage** page:

- **Agency statement:** Upload a completed Exempt Action-Final Regulation Agency Background Document from your computer. [Click here](#) for uploading instructions. If you have not yet completed the agency statement, [click here](#) for the form itself, and [here](#) for instructions on how to save this form to your computer.
- **Forms?** Attach any forms required as part of the regulation
- **Changes in text?** Answer “No.”
- **Charge for copies?** Please enter the price you will charge per sheet of paper copies of any regulatory documents.
- **Comment received?** Answer “No.”
- **Text of regulation:** Upload the final proposed text of the regulation to be submitted to the Registrar.
- **Effective date:** Enter the date that the regulatory action will become effective. This is 30 days after the date the final regulation is published in the Register. The material must be submitted by a date certain at noon in order to be published in the next issue of the Register. Use the following date format: MM/DD/YYYY.

Step 3: Click on “Add Final Stage” button to submit this information. After a brief period, the web site will return to the **Stage Information** page that will contain the information that you just uploaded plus links to PDF versions of the uploaded files.

Step 4: Click on the [Submit to Registrar](#) link. Enter the date, volume, and issue in which the final regulation will be published in the *Register*.

Step 5: Indicate whether you would like to open a Town Hall public comment forum during the

public comment period. [Click here](#) for more information about public comment forums.

Step 6: Select the OK button. Your action and stage have now been submitted.

Your stage has now been submitted to the Registrar and is visible to public users of the Town Hall. For your records, keep a copy of the transmittal sheet sent to the Registrar along with your submission. A link to a copy of the transmittal sheet is located near the top of the **Stage Information** page.

How to submit an exempt action-proposed regulatory action

You will file an “Exempt Agency–Proposed” regulatory action or an “Exempt Agency–Final” regulatory action, as required by the Administrative Process Act or your agency’s basic authorizing statute.

If you haven’t already begun a regulatory action on the Town Hall, [click here](#) and then submit a proposed or final stage, as appropriate. **Note:** You will be asked, “Exempt action?” **Be sure to say yes.**

Step 1: Enter the appropriate information on the **Add Proposed** Stage page:

- **Agency statement:** Upload a completed Exempt Action—Proposed Agency Background Statement from your computer. [Click here](#) for uploading instructions. If this form has not yet been completed, you may [click here](#) for the form, and [here](#) for instructions on how to save this form to your computer.
- **Forms required by regulation (if applicable):** If there are any forms required by the regulation and they are available, upload them in one file from your computer.
- **Proposed text:** Upload the text of the regulation.
- **Comment begin date:** This is the date that the proposed stage will be published in the Register. (Note the material must be submitted by a certain date at noon in order to be published in the next issue of the Register.) Use the following date format: MM/DD/YYYY.
- **Comment end date:** This is usually 60 days from the comment begin date though you can make this period longer. Use the following date format: MM/DD/YYYY.
- **Identical to emergency regulation?** Answer “No.”
- **Incorporation by reference?** Are you incorporating by reference any non-agency materials into the regulation?
- **Agency EIA response:** Leave blank.

Step 2: Select the “Add Proposed Stage” button to submit your information. After a brief period, the web site will return to the **Stage Information** page that will contain the information that you just uploaded plus links to PDF versions of the uploaded files.

Step 3: Now click on the [Submit to Registrar](#) link near the top of the page. Enter the date, volume, and issue of the Register in which the proposed stage will be published.

Step 4: Indicate whether you would like to open a Town Hall public comment forum during the public comment period. [Click here](#) for more information about public comment forums.

Step 5: Select the OK button. Your action and stage have now been submitted.

This stage will now be visible to all users of the Town Hall. For your records, you should keep a copy of the transmittal sheet sent to the Registrar along with your submission. A link to a copy of the transmittal sheet is located near the top of the **Stage Information** page.

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After you have started a regulatory action

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 - [Executive branch review](#)
 - [What if changes with "substantial impact" have been made between the proposed and final stage](#)
-

How do I add a stage to an existing regulatory action?

Note: Before you file a new stage on the Town Hall, your previous stage must have completed executive branch review (unless it is exempt), and been submitted to the Registrar for publication (via the Town Hall).

Step 1: You can add a stage to an existing regulatory action by clicking on the “Current Actions” link on the blue menu bar. This will take you to the **Current Actions** page listing all of your agency’s actions currently underway.

Step 2: Click on the “Action Title” of the action for which you wish to add a stage. This will take you to the **Action Information** page.

Step 3: Click on the [Stages](#) link or scroll down to the stages section of the page and you will see a list of stages already entered for this action. At the bottom of the page, you will see the “Add Stage” section. Use the “drop-down” box to select the stage you wish to enter and then click on the “Add New Stage” button. Depending on which stage you choose, you will be taken to the screen for entering the data needed for submitting that stage.

NOIRA stage	Proposed stage	Final stage
NOIRA	Proposed	Final Exempt Action-Final

Executive branch review

The following details the **process** of executive branch review. For information about the **substance** of executive branch review, click [here](#).

Office of the Attorney General (OAG)

The OAG must prepare a letter of assurance (stating that the promulgating entity has statutory authority) for the following stages: proposed, fast-track and emergency. The OAG has no legally imposed time frame within which to complete its review.

Department of Planning and Budget (DPB)

A **policy analysis** is completed at every stage of non-exempt regulatory actions. Policy analyses are required pursuant to [Executive Order 21 \(2002\)](#). Once a regulatory package is submitted to DPB on the Town Hall, DPB has 14 days to complete its analysis for emergency and NOIRA stages, 45 days for a proposed stage and fast-track proposed stage, and 14 days for a final stage.

An **economic impact analysis (EIA)** is completed at the proposed stage of non-exempt regulatory actions, as well for fast-track regulations. EIAs are required pursuant to [§ 2.2-4007\(G\) of the Code of Virginia](#). Once a proposed/fast-track stage regulatory package is submitted to DPB on the Town Hall, DPB has 45 days to complete an economic impact analysis.

It is DPB's practice to make an agency aware of, and try to resolve during a stage, any issues that DPB has identified regarding a regulation. Sometimes it is not possible to resolve these problems within the period allotted to DPB to complete its review, e.g., the agency agrees a change is appropriate but needs time to revise the proposed text of the regulation and/or the proposed text may not be changed without formal approval by the board. In these cases, it is common for an agency to retract the stage or action from the Town Hall in order to fix any problems, and then to resubmit the stage or action at a later date.

Cabinet Secretary

A Cabinet Secretary has no legally imposed time frame within which to complete his review of non-exempt regulatory stages. **Note:** A NOIRA may be submitted to the Registrar for publication if (1) DPB has completed its review of the NOIRA, and (2) 14 days have passed without the Governor or the Secretary objecting to the NOIRA.

Governor

The Governor's office has no legally imposed time frame within which to complete its review of non-exempt regulatory stages. **Note:** A NOIRA may be submitted to the Registrar for publication if (1) DPB has completed its review of the NOIRA, and (2) 14 days have passed without the Governor or the Secretary objecting to the NOIRA.

What if changes with "substantial impact" have been made between the proposed and final stages

Click [here](#) for information about what to if changes with substantial impact are made between the publication of the proposed stage in the Register and the submittal of the final stage for executive branch review.

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